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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/810,516	03/26/2004	James R. Tighe	062891.1232	1208

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EXAMINER	
GAUTHIER, GERALD	

ART UNIT	PAPER NUMBER
2614	

NOTIFICATION DATE	DELIVERY MODE
08/27/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/810,516	TIGHE ET AL.	
	Examiner	Art Unit	
	Gerald Gauthier	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 July 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-31* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-31* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. **Claims 1-31** are rejected under 35 U.S.C. 103(a) as being unpatentable over Laursen et al. (US 6,847,618 B2) in view of Terashima et al. (US 6,163,647).

Regarding **claims 1 and 31**, Laursen discloses a method for supporting communications [a method for distributed conference processing, column 1, lines14-16] comprising:

establishing a communications conference, the communications conference including a plurality of conference participants, each conference participant providing an audio stream [A conference call agent is used to establish a conference cal for call participant, column 6, line 63 to column 7, line 17];

identifying audio data packets in the audio streams [The packets processor identifies the packets in the audio stream to be process, column 10, lines 44-56];

mixing audio information from selected ones of the audio data packets to generate a conference audio stream [The packets processor process the audio packets in the respective audio channel or conference calling, column 14, lines 9-21];

communicating the conference audio stream to the conference participants [The conference call agent establishes a conference cal and audio data flow from the conference cal participants, column 22, lines 25-44];

Laursen fails to disclose identifying enhanced media packets embedded in at least one of the audio streams.

However, Terashima teaches identifying enhanced media packets embedded in at least one of the audio streams [Therefore, in the system stream 201 comprising video packets V1 to Vm and audio packets A1 to An, column 4, lines 54-64 and column 5,lines 9-12]; and

communicating the enhanced media packets to selected ones of the conference participants [Having been thus arranged, video packets and audio packets can be accessed more efficiently than they are recorded separately, column 4, line 65 to column 5, line 2].

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Laursen using the teaching of media in the packets as taught by Terashima.

This modification of the invention enables the system of Laursen to identify enhanced media packets embedded in at least one of the audio streams so that the user would have video display at the terminal.

Regarding **claims 2, 8 and 26**, Laursen discloses a method, wherein communicating the enhanced media packets to selected ones of the conference participants comprises embedding the enhanced media packets in the conference audio stream [The packets processor process the audio packets in the respective audio channel or conference calling, column 14, lines 9-21].

Regarding **claims 3, 9 and 27**, Laursen discloses a method, wherein the selected ones of the conference participants consist of all conference participants except a particular conference participant that embedded the enhanced media packets in a particular audio stream in which the enhanced media packets were received [The

packets processor process the audio packets in the respective audio channel or conference calling, column 14, lines 9-21].

Regarding **claims 4, 10 and 28**, Laursen discloses a method, wherein communicating the enhanced media packets to selected ones of the conference participants comprises identifying conference participants capable of using the enhanced media packets and communicating the enhanced media packets to the identified conference participants [The conference call agent establishes a conference cal for a number of participants, column 22, lines 25-44].

Regarding **claims 5, 11, 17, 23 and 29**, Laursen discloses a method, wherein each selected one of the conference participants is operable to automatically display an enhanced media window in response to receiving the enhanced media packets [column 22, lines 25-44].

Regarding **claims 6, 12, 18, 24 and 30**, Laursen discloses a method, wherein the enhanced media packets comprise video packets [The packets processor processes the audio packets in the respective audio channel or video packet, column 14, lines 9-21].

Regarding **claim 7**, Laursen in combination with Kumar disclose all the limitations of claim 7 as stated in claim 1's rejection above. Furthermore Laursen discloses an apparatus supporting communications (FIG. 2).

Regarding **claim 13**, Laursen in combination with Kumar disclose all the limitations of claim 13 as stated in claim 1's rejection above.

Furthermore Laursen discloses a conference bridge (213c on FIG. 2), a first conference participant, and a second conference participant (FIG. 15).

Regarding **claims 14 and 20**, Laursen discloses a system, wherein communicating the enhanced media packets to the second conference participant comprises tunneling the enhanced media packets in a conference audio stream to the second conference participant [column 14, lines 9-21].

Regarding **claims 15 and 21**, , Laursen discloses a system, wherein communicating the enhanced media packets to the second conference participant comprises communicating the enhanced media packets in an enhanced media communication link to the second conference participant [column 14, lines 9-21].

Regarding **claims 16 and 22**, , Laursen discloses a system, wherein the conference bridge is further operable to redirect the message to selected ones of the

conference participants, the selected ones of the conference participants including the first conference participant [column 14, lines 9-21].

Regarding **claim 19**, Laursen in combination with Kumar disclose all the limitations of claim 19 as stated in claim 1's rejection above.

Furthermore Laursen discloses a packet-based telephony device (105 on FIG. 1) and a computing device coupled to the telephony device (155 on FIG. 1).

Regarding **claim 25**, Laursen in combination with Kumar disclose all the limitations of claim 25 as stated in claim 1's rejection above.

Furthermore Laursen discloses Logic for supporting communications (column 12, lines 37-43).

Response to Arguments

5. Applicant's arguments with respect to **claims 1-31** have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Michalewicz is cited for independent participant control of audio during multiparty communication.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (571) 272-7539. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gerald Gauthier/
Primary Examiner, Art Unit 2614

/GG/
August 25, 2008